IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.8106 of 2007

Shri Mahavir Dulappa Waghmode ..Petitioner

vs.

Sou.Sindhu Arjun Pandhare ..Respondent

Shri Surel S.Shah for petitioner.

CORAM: S.C.DHARMADHIARI J.
14th December, 2007

P.C.

1. The impugned order rejects the application for amendment made by the petitioner/original defendant in the trial Court. The amendment is rejected on the ground that it is belated. It is also rejected on the ground that the arguments of the plaintiff have been completed and during the course of arguments of the present petitioner/defendant the same has been made.

2. Since the application is rejected mainly on the ground of delay, Shri Shah would urge that this Court must interefere as the order is contrary to the settled principles. I would have taken cognisance of this aspect and issued notice so as to call for other side but in the

peculiar facts of this case when I find that proposed amendment was in relation to the ceremony essential for valid adoption and I find from the written statement which is on record and particularly from para 5 thereof that necessary pleadings are already there so also the material, then, there is no need to interfere with the impugned order. Needless to clarify that para 5 of the written statement raises the plea and also refers to the gazette notification. Once this gazette notification is placed on record and the written statement is read as a whole it is clear that the petitioner has placed before the Trial Court his plea in elaborate details that there is a valid adoption. For such plea to be elaborated further it was not necessary to amend the written statement. In such circumstances there is no reason to interfere. Petition is dismissed.

(S.C.DHARMADHIKARI J.)